

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

ORDER
03-CR-055A

HAROLD KLUMP,

Defendant.

On February 26, 2003, a four-count indictment was returned against the defendant, Harold Klump, charging him with violating federal narcotics laws, possessing a firearm in furtherance of that activity, and being a felon in possession of a weapon. The indictment arose out of a search of the defendant's warehouse located at 900 Genesee Street in Buffalo, New York.

On April 18, 2004, the defendant filed a motion to dismiss the indictment and to suppress evidence found at the warehouse. On February 10, 2004, Magistrate Judge Hugh B. Scott, to whom the matter had been referred, issued a report and recommendation recommending that the motion to suppress be denied. The defendant filed objections to the report and recommendation and the government filed a response. On May 24, 2004, after conducting a de novo review of the report and recommendation, the parties submissions, and the transcript of the suppression hearing, the Court issued an order adopting the

report and recommendation and denying the defendant's motion to suppress.

The defendant, acting *pro se*, filed a motion for reconsideration of the Court's decision denying his motion to suppress evidence. On July 19, 2005, the Court denied reconsideration.

On September 21, 2005, the defendant filed another *pro se* motion for reconsideration of this Court's suppression ruling. The motion for reconsideration is denied for the reasons stated in this Court's July 19th Decision and Order. **The parties shall appear for sentencing on December 9, 2005, at 12:00 p.m.**

IT IS SO ORDERED.

/s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: November 22 , 2005